

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:09CR105-P-D

JUSTIN WINDHAM

ORDER

This cause is before the Court on defendant's Motion for Continuance, to Extend Pre-Trial Deadlines , and for Other Relief [10]. The Court, having reviewed the motion and being otherwise fully advised in the premises, finds as follows, to-wit:

The trial of this matter is currently set for September 28, 2009. Defendant's counsel seeks a continuance in order to complete additional investigation, confer with his client and facilitate the filing and hearing of pretrial motions. The government does not oppose the requested continuance. Based on the foregoing, the Court finds that the motion is well-taken and should be granted.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. § 3161(h)(7)(A), the period of delay from September 28, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford defendant additional time to investigate and prepare a defense to the charges at issue. Therefore, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS, THEREFORE, ORDERED AND ADJUDGED that

1. The defendant's Motion for Continuance, to Extend Pre-Trial Deadlines , and for

Other Relief [10] is GRANTED;

2. That the trial of this matter is continued until Monday, November 2, 2009 at 9:00 a.m. in the United States District Courthouse in Greenville, Mississippi;
3. That the delay from September 28, 2009 until November 2, 2009 is excluded as set out above;
4. That the deadline for filing pretrial motions is October 13, 2009;
5. That the deadline for submitting a plea agreement is October 19, 2009.

SO ORDERED, this the 1st day of September, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE